

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*



Blas J. Coy, Jr., *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 27, 2005

The Honorable Henry Card
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

RE: Synagro of Texas-CDR, Inc. (Duncan Ranch 4)
SOAH Docket No. 582-05-5121; TCEQ Docket No. 2004-2038-SLG

Dear Judge Card:

Enclosed for filing is the Public Interest Counsel's Joint Motion to Dismiss in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott A. Humphrey".

Scott A. Humphrey, Attorney
Public Interest Counsel

cc: Mailing List

Enclosure

REPLY TO: PUBLIC INTEREST COUNSEL, MC 103 • P.O. Box 13087 • AUSTIN, TEXAS 78711-3087 • 512/239-6363

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SOAH DOCKET NO. 582-05-5121
TCEQ DOCKET NO. 2004-2038-SLG

IN THE MATTER OF THE
APPLICATION OF
SYNAGRO OF TEXAS-CDR, INC.
FOR PERMIT NO. 04674

§ BEFORE THE
§ STATE OFFICE OF
§ ADMINISTRATIVE
§ HEARINGS

CLERK OF COURT

11/11/07 PM 4:23

JOINT MOTION TO DISMISS

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) has reviewed the enclosed Special Provisions to the draft permit concerning the above-referenced matter. OPIC is satisfied that the modified provisions reflect the settlement agreement reached in the mediation of this matter. Applicant Synagro has also reviewed the provisions and concurs that the modifications to the Special Provisions are consistent with the settlement agreement.

The parties to this case have no disputed issues. Therefore, OPIC moves that this case be remanded to the Executive Director of the TCEQ with the revised special provisions, drafted by the Executive Director, to replace the Special Provisions provided in the original draft permit. OPIC has contacted Synagro, and the Applicant supports this motion.

Methods for Evaluating Solid Waste," EPA SW-846; method 3050.

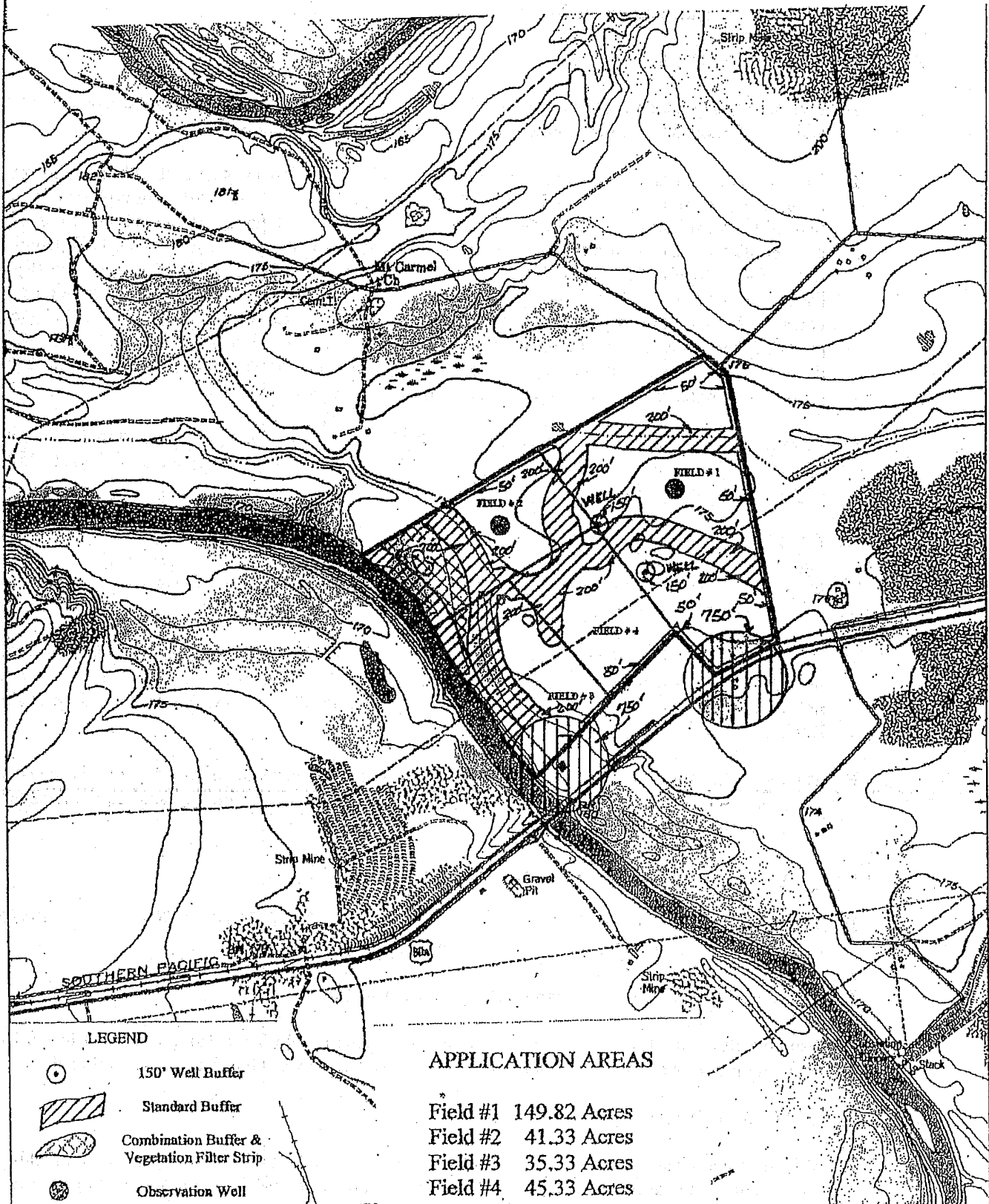
XIII. STANDARD PROVISIONS:

- A. This permit is granted in accordance with the Texas Water Code, Health and Safety Code, and the rules and other Orders of the Commission and the laws of the State of Texas.
- B. Unless specified otherwise, any noncompliance which may endanger human health or safety, or the environment shall be reported to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided to the TCEQ Regional Office (MC Region 12) and to the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- C. Any noncompliance other than that specified in the Standard Provision B, or any required information not submitted or submitted incorrectly, shall be reported to the TCEQ Enforcement Division (MC 224) as promptly as possible.
- D. Acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, limitations and restrictions embodied in this permit and with the rules and other Orders of the Commission and the laws of the State of Texas. Agreement is a condition precedent to the granting of this permit.
- E. Prior to any transfer of this permit, Commission approval must be obtained. The Commission must be notified, in writing, of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Water Quality Applications Team (MC 161) of the Registration, Review, and Reporting Division.
- F. The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.
- G. The permittee is subject to the provisions of 30 TAC §305.125.
- H. The permittee shall remit to the Commission annual fees per 30 TAC §312.9. Failure to pay the fees on time may result in revocation of this permit.
- I. This permit does not become a vested right in the permit holder.
- J. The permittee may not accept Class B sludge unless the sludge has been transported to the land application unit in a covered container with the covering firmly secured at the front and back.

XIV. SPECIAL PROVISIONS:

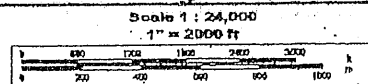
- A. Maximum annual sludge application rate shall not exceed 8.3 dry tons per acre per year on Fields 1 - 4 and shall be land applied at a frequency proposed in the application. Agronomic loading rates shall be calculated on an annual basis to ensure that nutrient balances are not exceeded.

Attachment B



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MAILING LIST
SYNAGRO OF TEXAS-CDR, INC. (DUNCAN RANCH 4)
TCEQ DOCKET NO. 2004-2038-SLG; SOAH DOCKET NO. 582-05-5121

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